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THE IMPORTANT DOCUMENTS
OF
THE FIRST PLENARY SESSION
OF
THE CHINESE PEOPLE'S POLITICAL
CONSULTATIVE CONFERENCE

1949

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**Foreign Languages Press, Peking
1949**



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THE COMMON PROGRAM OF THE CHINESE
PEOPLE'S POLITICAL CONSULTATIVE
CONFERENCE

*—Adopted by the First Plenary
Session of the Chinese People's
PCC on September 29th, 1949
in Peking.*

PREAMBLE

The great victories of the Chinese people's war of liberation and of the people's revolution have put an end to the era of the rule of imperialism, feudalism and bureaucratic capitalism in China. From the status of the oppressed, the Chinese people has attained that of the master in a new society and a new state, and has replaced the Kuomintang's reactionary rule of feudal, comprador, fascist dictatorship with the Republic of the People's Democratic Dictatorship.

The Chinese People's Democratic Dictatorship is the state power of the people's democratic united front composed of the Chinese working class, peasantry, petty bourgeoisie, national bourgeoisie and other patriotic democratic elements, based on the alliance of workers and peasants and led by the working class. The Chinese People's Political Consultative Conference, composed of the representatives of the Communist

Party of China, of all democratic parties and groups and people's organizations, of all regions, of the People's Liberation Army, of all national minorities, overseas Chinese and other patriotic democratic elements, is the organisational form of the Chinese people's democratic united front.

The Chinese People's Political Consultative Conference, representing the will of the people of the whole country, proclaims the establishment of the People's Republic of China and is organizing the people's own central government. The Chinese People's Political Consultative Conference unanimously agrees that New Democracy, or the People's Democracy, shall be the political foundation for the national construction of the People's Republic of China. It has also adopted the following Common Program which should be jointly observed by all units participating in the Conference, by the people's government of all levels, and by the people of the whole country.

CHAPTER I. GENERAL PRINCIPLES

ARTICLE. 1. The People's Republic of China is a New Democratic or a People's Democratic state. It carries out the people's democratic dictatorship led by the working class, based on the alliance of workers and peasants, and uniting all democratic classes and all nationalities in China. It opposes imperialism, feudalism and bureaucratic capitalism and strives for independence, democracy, peace, unity, prosperity and strength of China.

ARTICLE 2. The Central People's Government of the People's Republic of China must undertake to wage the people's war of liberation to the very end, to liberate all the territory of China, and to achieve the unification of China.

ARTICLE 3. The People's Republic of China must abolish all the prerogatives of imperialist countries in China. It must confiscate bureaucratic capital and put it into the possession of the people's state. It must systematically transform the feudal and semi-feudal land ownership system into a system of peasant land ownership; it must protect the public property of the state and of the cooperatives and must protect the economic interests and private property of workers, peasants, the petty bourgeoisie and the national bourgeoisie. It must develop the people's economy of New Democracy and steadily transform the country from an agricultural into an industrial one.

ARTICLE 4. The people of the People's Republic of China shall have the right to elect and to be elected according to law.

ARTICLE 5. The people of the People's Republic of China shall have freedom of thought, speech, publication, assembly, association, correspondence, person, domicile, change of domicile, religious belief and the freedom of holding processions and demonstrations.

ARTICLE 6. The People's Republic of China shall abolish the feudal system which holds women in bondage. Women shall enjoy equal rights with men in political, economic, cultural, educational and social life.

Freedom of marriage for men and women shall be put into effect.

ARTICLE 7. The People's Republic of China suppress all counter-revolutionary activities, severely punish all Kuomintang counter-revolutionary war criminals and other leading incorrigible counter-revolutionary elements who collaborate with imperialism, commit treason against the fatherland and oppose the cause of people's democracy. Feudal landlords, bureaucratic capitalists and reactionary elements in general, after they have been disarmed and have had their special powers abolished, shall, in addition, be deprived of their political rights in accordance with law for a necessary period. But, at the same time, they shall be given some means of livelihood and shall be compelled to reform themselves through labour so as to become new men. If they continue their counter-revolutionary activities, they will be severely punished.

ARTICLE 8. It is the duty of every national of the People's Republic of China to defend the fatherland, to abide by the law, to observe labour discipline, to protect public property, to perform public and military service, and to pay taxes.

ARTICLE 9. All nationalities in the People's Republic of China shall have equal rights and duties.

ARTICLE 10. The armed forces of the People's Republic of China, namely, the People's Liberation Army, the people's public security forces and the people's police belong to the people. It is the task of these armed forces to defend the independence, territorial integrity and sovereignty of China, and to

defend the revolutionary gains and all legitimate rights and interests of the Chinese people. The Central People's Government of the People's Republic of China shall endeavour to consolidate and strengthen the people's armed forces, so as to enable them to accomplish their tasks effectively.

ARTICLE 11. The People's Republic of China shall unite with all peace-loving and freedom-loving countries and peoples throughout the world, first of all, with the U.S.S.R., all Peoples' Democracies and all oppressed nations. It shall take its stand in the camp of international peace and democracy, to oppose imperialist aggression to defend lasting world peace.

CHAPTER II. ORGANS OF STATE POWER

ARTICLE 12. The state power of the People's Republic of China belongs to the people. The people's congresses and the people's governments of all levels are the organs for the exercise of state power by the people. The people's congresses of all levels shall be popularly elected by universal franchise. The people's congresses of all levels shall elect the people's governments of their respective levels. The people's governments shall be the organs for exercising state power at their respective levels when the people's congresses of their respective levels are not in session.

The All-China People's Congress shall be the supreme organ of state power. The Central People's Government shall be the supreme organ for exercising state power when the All-China People's Congress is not in session.

ARTICLE 13. The Chinese People's Political Consultative Conference is the organisational form of the people's democratic united front. It shall be composed of the representatives of the working class, the peasantry, members of the revolutionary armed forces, intellectuals, the petty bourgeoisie, the national bourgeoisie, national minorities, the overseas Chinese and other patriotic democratic elements.

Pending the convocation of the All-China People's Congress elected by universal franchise, the Plenary Session of the Chinese People's Political Consultative Conference shall exercise the functions and powers of the All-China People's Congress, enact the Organic Law of the Central People's Government of the People's Republic of China, elect the Central People's Government Council of the People's Republic of China and vest it with the authority to exercise state power.

After the convocation of the All-China People's Congress elected by universal franchise, the Chinese People's Political Consultative Conference may submit proposals on fundamental policies relating to national construction work and on other important measures to the All-China People's Congress or to the Central People's Government.

ARTICLE 14. In all places newly liberated by the People's Liberation Army, military control shall be exercised and the Kuomintang reactionary organs of state power shall be abolished. The Central People's Government or military and political organs at the front shall appoint personnel to organise Military Control Committees and local People's Governments.

These shall lead the people in establishing revolutionary order and suppressing counter-revolutionary activities and, when conditions permit, shall convene All-Circles Representative Conferences.

Pending the convocation of the local people's congresses elected by universal franchise, the local All-Circles Representative Conferences shall gradually assume the functions and powers of the local people's congresses.

The duration of military control shall be determined by the Central People's Government according to the military and political conditions prevailing in the different localities.

In all places where military operations have completely ended, agrarian reform has been thoroughly carried out and people of all circles have been fully organized, elections based on universal franchise shall be held immediately for the purpose of convening local People's Congresses.

ARTICLE 15. The organs of state power at all levels shall practice democratic centralism. In doing this the main principles shall be: the People's Congresses shall be responsible and accountable to the people; the People's Government Councils shall be responsible and accountable to the People's Congresses. Within the People's Congresses and within the People's Government Councils, the minority shall abide by the decisions of the majority; the appointment of the People's Governments of each level shall be ratified by the People's Government of the higher level; the People's Governments of the lower levels shall obey the

People's Governments of the higher levels and all local People's Governments throughout the country shall obey the Central People's Government.

ARTICLE 16. The jurisdiction of the Central People's Government and the local People's Governments shall be defined according to the nature of the various matters involved, and shall be prescribed by decrees of the Central People's Government Council so as to satisfy the requirements of both national unity and local expediency.

ARTICLE 17. All laws, decrees and judicial systems of the Kuomintang reactionary government which oppress the people shall be abolished. Laws and decrees protecting the people shall be enacted and the people's judicial system shall be established.

ARTICLE 18. All state organs of the People's Republic of China must enforce a revolutionary working-style, embodying honesty, simplicity and service to the people: They must severely punish corruption, forbid extravagance and oppose the bureaucratic working-style which alienates the masses of the people.

ARTICLE 19. People's supervisory organs shall be set up in the People's Governments of county and municipal level and above, to supervise the performance of duties by the state organs of various levels and by public functionaries of all types, and to propose that disciplinary action be taken against state organs and public functionaries who violate the law or are negligent in the performance of their duties.

The people or people's organisations shall have the right to file charges with the people's supervisory

organs or people's judicial organs against any state organs or any public functionaries that violate the law or are negligent in the performance of their duties.

CHAPTER III. MILITARY SYSTEM

ARTICLE 20. The People's Republic of China shall build up a unified army, the People's Liberation Army and people's public security forces, which shall be under the command of the People's Revolutionary Military Council of the Central People's Government; it shall institute unification of command, system, formation and discipline.

ARTICLE 21. The People's Liberation Army and the people's public security forces shall, in accordance with the principle of unity between the officers and the rank-and-file and between the army and the people, set up a system of political work and shall educate the commanders and rank-and-file of these forces in a revolutionary and patriotic spirit.

ARTICLE 22. The People's Republic of China shall strengthen its modernized army and shall establish an air force and a navy in order to consolidate national defence.

ARTICLE 23. The People's Republic of China shall put into effect the people's militia system to maintain local order and to lay the foundation for national mobilization. It shall make preparations to enforce a system of obligatory military service at the appropriate time.

ARTICLE 24. The armed forces of the People's Republic of China shall, during peace time, systematically take part in agricultural and industrial production in order to assist in national construction work, provided their military duties are not thereby hampered.

ARTICLE 25. Dependents of those who have given their lives for the revolution and of members of the revolutionary forces, who are in need, shall receive preferential treatment, from the state and from society. The people's government shall make appropriate arrangements for disabled or retired service men who have participated in the revolutionary war, providing them with the means of livelihood or with occupations.

CHAPTER IV. ECONOMIC POLICY

ARTICLE 26. The basic principle for the economic construction of the People's Republic of China is to develop production and bring about a prosperous economy through the policies of taking into account both public and private interests, of benefiting both labour and capital, of mutual aid between the city and countryside, and circulation of goods between China and abroad. The state shall coordinate and regulate state-owned economy, co-operative economy, the individual economy of peasants and handicraftsmen, private capitalist economy and state capitalist economy, in their spheres of operations, supply of raw materials, marketing, labour conditions, technical equipment, policies of public and general finance, etc. In this way all components of the social economy can, under the leadership of the state-owned economy, carry

out division and co-ordination of labour and play their respective parts in promoting the development of the social economy as a whole.

ARTICLE 27. Agrarian reform is the necessary condition for the development of the nation's productive power and for its industrialization. In all areas where agrarian reform has been carried out, the ownership of the land acquired by the peasants shall be protected. In areas where agrarian reform has not been carried out, the peasant masses must be set in motion to establish peasant organisations and to put into effect the policy of "land to the tiller" through such measures as the elimination of local bandits and despots, the reduction of rent and interest and the distribution of land.

ARTICLE 28. State-owned economy is of a Socialist nature. All enterprises relating to the economic life of the country and exercising a dominant influence over the people's livelihood shall be under the unified operation of the state. All state-owned resources and enterprises are the public property of all the people and are the main material basis on which the People's Republic will develop production and bring about a prosperous economy. They are the leading force of the entire social economy.

ARTICLE 29. Co-operative economy is of a semi-Socialist nature and is an important component of the people's economy as a whole. The People's Government shall foster its development and accord it preferential treatment.

ARTICLE 30. The People's Government shall encourage the active operation of all private economic

enterprises beneficial to the national welfare and to the people's livelihood and shall assist in their development.

ARTICLE 31. The economy jointly operated by state and private capital is of a state-capitalist nature. Whenever necessary and possible, private capital shall be encouraged to develop in the direction of state-capitalism, in such ways as processing for state-owned enterprises and exploiting state-owned resources in the form of concessions.

ARTICLE 32. The system of worker's participation in the administration of production shall, for the present period, be established in state-owned enterprises. This means that factory administrative committees shall be set up under the leadership of the factory managers. In privately-owned enterprises, in order to carry out the principle of benefitting both labour and capital, collective contracts shall be signed by the trade union, representing the workers and employees, and the employer. For the present period, an eight to ten-hour day should in general be enforced in publicly and privately operated enterprises, but under special circumstances this matter may be dealt with at discretion. The people's governments shall fix minimum wages according to the conditions prevailing in various localities and trades. Labour insurance shall be gradually established. The special interests of juvenile and women workers shall be safeguarded. Inspection of industries and mines shall be carried out in order to improve their safety devices and sanitary facilities.

ARTICLE 33. The Central People's Government shall strive to draw up, as soon as possible, a general plan for rehabilitating and developing the main departments of the public and private economy of the entire country. It shall also fix the scope of the division and co-ordination of labour between the central and local governments in economic construction, and shall undertake centralized regulation of the inter-relationship between the economic departments of the central and local governments. Under the unified leadership of the Central People's Government, the various economic departments of the central and local governments should give full play to their creativeness and initiative.

ARTICLE 34. Agriculture, forestry, fisheries and animal-husbandry: In all areas where agrarian reform has been thoroughly carried out, the central task of the people's government shall be the organization of the peasants and of all manpower available for allocation to the development of agricultural production and secondary occupations. The People's Government shall also guide the peasants step by step, in the organization of various forms of mutual aid in labour and co-operation in production, according to the principle of willingness and mutual benefit. In newly-liberated areas, every step in agrarian reform shall be linked up with reviving and developing agricultural production.

The People's Government shall, in accordance with the state plan and the requirements of the people's livelihood, strive to restore the output of grain, industrial raw materials and export goods to the pre-war

production level and to surpass it within the shortest possible time. Attention shall be paid to construction and repair of irrigation works, to prevention of floods and droughts, to restoration and development of animal husbandry, to increasing the supply of fertilizers, to improvement of farm implements and seeds, to prevention of pest damage and plant diseases, to relief work in the event of natural calamities, and to planned migration for land reclamation.

* Forests shall be protected and forestation shall be developed according to plan

Coastal fisheries shall be protected and the aquatic products industry shall be developed.

Livestock-raising shall be protected and developed, and preventive measures shall be taken against plague.

ARTICLE 35. Industry: In order to lay the foundation for the industrialization of the country, the central point of industrial work shall be the planned, systematic rehabilitation and development of heavy industry, such as mining, the iron and steel industry, power industry, machine-making industry, electrical industry and the main chemical industries, etc. At the same time, the production of the textile industry and other light industries beneficial to the national welfare and to the people's livelihood shall be restored and increased so as to meet the needs of the people's daily consumption.

ARTICLE 36. Communications: Railways and highways shall be swiftly restored and gradually extended. Rivers shall be dredged and water transportation expanded. Postal, telegraphic and telephone ser-

vices shall be improved and developed. Various communications facilities shall be built up and civil aviation established step by step according to plan.

ARTICLE 37. Commerce: All legitimate public and private trade shall be protected. Control shall be exercised over foreign trade and the policy of protecting trade shall be adopted. Freedom of domestic trade shall be established under a unified economic state plan, but commercial speculation disturbing the market shall be strictly prohibited. State-owned trading organizations shall assume the responsibility of adjusting supply and demand, stabilizing commodity prices and assisting the people's co-operatives. The people's government shall adopt the measures necessary to encourage the people in saving, to facilitate remittances from overseas Chinese, and to channel into industry and other productive enterprises, all socially idle capital and commercial capital which is not beneficial to the national welfare and/or to the people's livelihood.

ARTICLE 38. Co-operatives: The broad masses of working people shall be encouraged and assisted to develop co-operatives according to the principle of willingness. Supply and marketing co-operatives, as well as consumers', credit, producers', and transport co-operatives shall be organized in towns and villages. Consumers' co-operatives shall first be organised in factories, institutions and schools.

ARTICLE 39. Currency and Banking: Financial enterprises shall be strictly controlled by the state. The right of issuing currency belongs to the state. The circulation of foreign currency within the country

shall be prohibited. The buying and selling of foreign exchange, foreign currency, gold and silver shall be handled by the state banks. Private financial enterprises operating in accordance with the law shall be subjected to supervision and direction by the state. All who engage in financial speculation and undermine the financial enterprises of the state shall be subjected to severe punishment.

ARTICLE 40. Public finance: A budget and financial statement system shall be instituted. The spheres of financial administration of central and local governments shall be defined. Economizing and frugality shall be enforced. The budget shall be steadily balanced and capital accumulated for the country's production.

The tax policy of the state shall be based on the principle of ensuring supplies for the revolutionary war and taking into account the rehabilitation and development of production and the requirements of national construction. The tax system shall be simplified and equitable distribution of burden effected.

CHAPTER V.

CULTURAL AND EDUCATIONAL POLICY

ARTICLE 41. The culture and education of the People's Republic of China shall be New Democratic — national, scientific and popular. The main tasks of the People's Government in cultural and educational work shall be the raising of the cultural level of the people, the training of personnel for national construc-

tion work, the eradicating of feudal, compradore and fascist ideology and the developing of the ideology of service to the people.

ARTICLE 42. Love of the fatherland, love of the people, love of labour, love of science and care of public property shall be promoted as the public spirit of all nationals of the People's Republic of China.

ARTICLE 43. Efforts shall be made to develop the natural sciences in order to serve industrial, agricultural and national defence construction. Scientific discoveries and inventions shall be encouraged and rewarded and scientific knowledge shall be disseminated among the people.

ARTICLE 44. The application of a scientific-historical viewpoint to the study and interpretation of history, economics, politics, culture and international affairs shall be promoted. Outstanding works of social science shall be encouraged and rewarded.

ARTICLE 45. Literature and art shall be promoted to serve the people, to awaken their political consciousness, and to enhance their enthusiasm for labour. Outstanding works of literature and art shall be encouraged and rewarded. The people's drama and cinema shall be developed.

ARTICLE 46. The method of education of the People's Republic of China shall be the unification of theory and practice. The People's Government shall reform the old educational system, subject matter and teaching methods in a planned, systematic manner.

ARTICLE 47. In order to meet the extensive requirements of revolutionary and national construction work, universal education shall be carried out,

secondary and higher education shall be strengthened, technical education shall be stressed, the education of workers during their spare time and that of cadres at their posts shall be strengthened, and revolutionary political education shall be accorded to both young and old-type intellectuals. All this is to be done in a planned and systematic manner.

ARTICLE 48. National physical culture shall be promoted. Public health and medical work shall be expanded and attention shall be paid to the protection of the health of mothers, infants and children.

ARTICLE 49. Freedom of reporting truthful news shall be safeguarded. The utilization of the press for slander, for undermining the interests of the state and the people and for provoking world war shall be prohibited. The people's radio and publication work shall be developed. Attention shall be paid to publishing popular books and journals beneficial to the people.

CHAPTER VI.

POLICY TOWARDS NATIONALITIES

ARTICLE 50. All nationalities within the boundaries of the People's Republic of China are equal. They shall establish unity and mutual aid among themselves, and shall oppose imperialism and their own public enemies, so that the People's Republic of China will become a big fraternal and co-operative family composed of all its nationalities. Greater Nationalism and chauvinism shall be opposed. Acts involving discrimination, oppression and splitting of the unity of the various nationalities shall be prohibited.

ARTICLE 51. Regional autonomy shall be exercised in areas where national minorities are concentrated and various kinds of autonomy organizations of the different nationalities shall be set up according to the size of the respective populations and regions. In places where different nationalities live together and in the autonomous areas of the national minorities, the different nationalities shall each have an appropriate number of representatives in the local organs of political power.

ARTICLE 52. All national minorities within the boundaries of the People's Republic of China shall have the right to join the People's Liberation Army and to organize local people's public security forces in accordance with the unified military system of the state.

ARTICLE 53. All national minorities shall have freedom to develop their dialects and languages, to preserve or reform their traditions, customs and religious beliefs. The People's Government shall assist the masses of the people of all national minorities to develop their political, economic, cultural and educational construction work.

CHAPTER VII. FOREIGN POLICY

ARTICLE 54. The principle of the foreign policy of the People's Republic of China is protection of the independence, freedom, integrity of territory and sovereignty of the country, upholding of lasting international peace and friendly co-operation between the peoples of all countries, and opposition to the imperialist policy of aggression and war.

ARTICLE 56. The Central People's Government of the People's Republic of China shall examine the treaties and agreements concluded between the Kuomintang and foreign governments, and shall recognize, abrogate, revise, or re-negotiate them according to their respective contents.

ARTICLE 56. The Central People's Government of the People's Republic of China may, on the basis of equality, mutual benefit and mutual respect for territory and sovereignty, negotiate with foreign governments which have severed relations with the Kuomintang reactionary clique and which adopt a friendly attitude towards the People's Republic of China, and may establish diplomatic relations with them.

ARTICLE 57. The People's Republic of China may restore and develop commercial relations with foreign governments and peoples on a basis of equality and mutual benefit.

ARTICLE 58. The Central People's Government of the People's Republic of China shall do its utmost to protect the proper rights and interests of Chinese residing abroad.

ARTICLE 59. The People's Government of the People's Republic of China protects law-abiding foreign nationals in China.

ARTICLE 60. The People's Republic of China shall accord the right of asylum to foreign nationals who seek refuge in China because they have been oppressed by their own governments for supporting the people's interests and taking part in the struggle for peace and democracy.

**THE ORGANIC LAW OF THE CHINESE
PEOPLE'S POLITICAL CONSULTA-
TIVE CONFERENCE**

—*Adopted by the First Plenary
Session of the Chinese People's
PCC on September 29th, 1949
in Peking.*

CHAPTER I. GENERAL PROVISIONS

ARTICLE 1. The Chinese People's Political Consultative Conference (referred to in this text as the Chinese People's PCC) is the organization of the democratic united front of the entire Chinese people. Its aim is to unite all democratic classes and all nationalities throughout China by establishing the unity of all democratic parties and groups and people's organizations. This will enable them to put forward their combined efforts in carrying out New Democracy, opposing imperialism, feudalism and bureaucratic capitalism, overthrowing the reactionary rule of the Kuomintang, eliminating open and secret remnant counter-revolutionary forces. It will also enable them to heal the wounds of war, rehabilitate and develop the people's economic, cultural and educational work, consolidate national defence, and unite with all the nations and countries which treat us on a footing of

equality. All this is for the purpose of establishing and consolidating an independent, democratic, peaceful, unified, prosperous and strong People's Republic of China of the People's Democratic Dictatorship, led by the working class and based on the alliance of workers and peasants.

CHAPTER II.

PARTICIPATING UNITS AND DELEGATES

ARTICLE 2. Democratic parties and groups and people's organisations which agree to Article 1 of this Organic Law may take part in the Chinese People's PCC after they have been discussed and approved by the National Committee of the Chinese People's PCC. Individuals, upon receiving an invitation which has been discussed and agreed upon by the National Committee of the Chinese People's PCC, may also take part in the Plenary Sessions of the Chinese People's PCC and may be elected to its National Committee.

ARTICLE 3. The units, number and choice of delegates to take part in each session of the Chinese People's PCC shall be determined by means of discussion by the National Committee of the previous session of the Chinese People's PCC. The units, number and choice of delegates taking part in the First Plenary Session of the Chinese People's PCC have been so determined by the Preparatory Committee of the Chinese People's PCC.

ARTICLE 4. All participating units and delegates have the obligation to abide by and carry out

all the resolutions passed by the Plenary Sessions of the Chinese People's PCC and by its National Committee.

If a participating democratic party or group or a people's organisation disagrees with the resolutions passed by a Plenary Session or by the National Committee, it must, in accordance with the democratic principle of the minority submitting to the majority, abide by the resolutions, and must not violate them. However, it may reserve its divergent opinions for discussion at the following session. If it fundamentally disagrees with important resolutions, it is free to withdraw from the Chinese People's PCC upon request.

ARTICLE 5. If a unit or a delegate to the Chinese People's PCC or a member of its National Committee seriously violates this Organic Law, the Common Program or important resolutions passed by the Chinese People's PCC, the Plenary Session or the National Committee may, according to the gravity of the offence, issue warnings, cause the unit concerned to replace its delegates, cancel the delegate's committee membership or annul the membership of the participating unit.

In the event of disagreement with the disciplinary measures adopted by the National Committee the unit or delegate concerned may file an appeal at the next Plenary Sessions.

CHAPTER III. PLENARY SESSION

ARTICLE 6. A Plenary Session of the Chinese People's PCC shall be summoned once every three

years by the National Committee. The National Committee may, when necessary, convene a session earlier or postpone it.

The First Plenary Session of the Chinese People's PCC, however, has been summoned by the Preparatory Committee of the Chinese People's PCC.

ARTICLE 7. Plenary Sessions of the Chinese People's PCC have the following powers and functions:

- 1) Enacting or amending the Organic Law of the Chinese People's PCC;
- 2) Formulating or amending the program of New Democracy, namely, the Common Program of the Chinese People's PCC, which is to be observed in common by all democratic parties and groups and people's organisations participating in the Chinese People's PCC;
- 3) Performing the functions and exercising the powers of the All-China People's Congress prior to its convocation by means of universal franchise:
 - a. Enacting or amending the Organic Law of the Central People's Government of the People's Republic of China;
 - b. Electing the Central People's Government Council of the People's Republic of China and vesting it with the power of exercising state authority;
 - c. Submitting to the Central People's Government of the People's Republic of China resolutions concerning fundamental policies or important measures relating to the cause of the nationwide people's democratic revolution or to national construction work;

4) Submitting proposals on fundamental policies and on important measures relating to national construction work to the Central People's Government and to the All-China People's Congress, after the latter has been convened by means of universal franchise;

5) Electing the National Committee of the Chinese People's PCC.

ARTICLE 8. More than one half of the total number of delegates constitute a quorum of a Plenary Session of the Chinese People's PCC. The adoption of a resolution demands the concurrence of more than one half of the delegates present at a session.

ARTICLE 9. Each Plenary Session of the Chinese People's PCC shall elect a Presidium, the number of members of which shall be prescribed by the given Plenary Session.

ARTICLE 10. Each Plenary Session of the Chinese People's PCC shall elect a Secretary-General and shall have a number of Assistant Secretaries-General appointed by the Presidium. A Secretariat shall be set up under the Secretary-General and his assistants.

ARTICLE 11. A Plenary Session of the Chinese People's PCC may organize various committees, the organisational regulations pertaining to which shall be separately stipulated.

ARTICLE 12. The rules of procedure of each Plenary Session of the Chinese People's PCC shall be drawn up by its Presidium.

CHAPTER IV. NATIONAL COMMITTEE

ARTICLE 13. A National Committee shall be set up to function after the closing of the Plenary Session of the Chinese People's PCC and shall have the following functions and powers:

- 1) Ensuring the implementation of the resolutions of the Plenary Session and of the National Committee of the Chinese People's PCC;
- 2) Discussing and submitting proposals to the Central Government of the People's Republic of China;
- 3) Assisting the Government in mobilizing the people to participate in the work of the people's democratic revolution and of national construction;
- 4) Discussing and submitting the joint list of candidates of units participating in the Chinese People's PCC, for the election of representatives to the All-China People's Congress;
- 5) Discussing and determining the units, number and choice of delegates to the next Plenary Session of the Chinese People's PCC and convening it;
- 6) Directing the work of local democratic united front;
- 7) Discussing and dealing with other affairs concerning the internal co-operation of the Chinese People's PCC.

ARTICLE 14. The members and reserve members of the National Committee of the Chinese People's PCC shall be elected by the Chinese People's PCC in its Plenary Sessions; the number of the members and reserve members shall be determined by each Plenary Session.

Meeting of the National Committee shall be convened by the Standing Committee of the National Committee, and shall be held every six months. However, when the Standing Committee considers it necessary, it may convene meetings earlier or postpone them.

ARTICLE 15. The National Committee of the Chinese People's PCC shall be elected from among its members a Standing Committee consisting of a number of Committee Members, a Chairman, and a number of Vice-Chairmen to take charge of the affairs of the National Committee.

ARTICLE 16. The National Committee of the Chinese People's PCC shall have a Secretary-General elected by the National Committee, and a number of Assistant-Secretaries-General appointed by the Standing Committee of the National Committee. A Secretariat shall be set up under the Secretary-General and his assistants.

ARTICLE 17. Regulations governing the work of the National Committee of the Chinese People's PCC shall be drawn up by the Standing Committee of the National Committee.

CHAPTER V. LOCAL COMMITTEES

ARTICLE 18. Local committees of the Chinese People's PCC may, in accordance with the resolutions of the National Committee of the Chinese People's PCC, be set up in major cities, important areas and provincial capitals. These committees shall serve as bodies for consultative and for ensuring the imple-

mentation of resolutions by the democratic parties and groups and people's organisations in these places.

ARTICLE 19. The organisational rules of the local committees of the Chinese People's PCC shall be drawn up or ratified by the National Committee of the Chinese People's PCC.

CHAPTER VI. SUPPLEMENTARY PROVISION

ARTICLE 20. The Organic Law shall be put into effect after being adopted by the Plenary Session of the Chinese People's PCC.

THE ORGANIC LAW OF THE CENTRAL PEOPLE'S GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

—Adopted by the First Plenary Session of the Chinese People's PCC on September 29th, 1949 in Peking.

CHAPTER I. GENERAL PRINCIPLES

ARTICLE 1. The People's Republic of China is a state of the people's democratic dictatorship, led by the working class, based on alliance of workers and peasants, and uniting all democratic classes and the various nationalities within the country.

ARTICLE 2. The Government of the People's Republic of China is a government of the people's congress system based on the principle of democratic centralism.

ARTICLE 3. Prior to the convocation of the All-China People's Congress by universal franchise, the Plenary Session of the Chinese People's Political Consultative Conference shall perform the functions and exercise the power of the All-China People's Congress, enact the Organic Law of the Central People's Government of the People's Republic of China, elect

the Central People's Government Council of the People's Republic of China and vest it with the authority to exercise state power.

ARTICLE 4. The Central People's Government Council represents the People's Republic of China in international relations and assumes the leadership of the state apparatus at home.

ARTICLE 5. The Central People's Government Council shall set up: the Government Administration Council as the highest executive body for state administration; the People's Revolutionary Military Council as the supreme military command of the state; and the Supreme People's Court and the People's Procurator-General's Office as the highest judicial and supervisory bodies of the country.

CHAPTER II.

THE CENTRAL PEOPLE'S GOVERNMENT COUNCIL

ARTICLE 6. The Central People's Government Council shall consist of the Chairman and six Vice-Chairmen of the Central People's Government and of fifty-six Council Members elected by the Plenary Session of the Chinese People's Political Consultative Conference. It shall have a Secretary-General elected by and from the Central People's Government Council.

ARTICLE 7. The Central People's Government Council shall exercise the following authority, in accordance with the Common Program enacted by the

Plenary Session of the Chinese People's Political Consultative Conference:

- 1) Enacting and interpreting the laws of the state, promulgating decrees and supervising their execution;
- 2) Determining the administrative policies of the state;
- 3) Annulling or revising any decisions and orders of the Government Administration Council, which do not conform to the laws and decrees of the state;
- 4) Ratifying, abrogating or revising treaties and agreements concluded by the People's Republic of China with foreign countries;
- 5) Dealing with questions of war and peace;
- 6) Approving or revising the state budget and financial statement;
- 7) Promulgating acts of general amnesty and pardon;
- 8) Instituting and awarding orders, medals, and titles of honour of the state;
- 9) Appointing or removing of government personnel as follows:

A. Appointment or removal of the Premier and Vice-Premiers and Members of the Government Administration Council; Secretary-General and Assistant Secretaries-General of the Government Administration Council; Chairmen, Vice-Chairmen, and Members of the various Committees and Commissions; Ministers and Vice-Ministers of the various Ministries; President and

Vice-Presidents of the Academy of Sciences; Directors and Deputy Directors of the various Administrations; and Manager and Assistant Managers of the Bank;

B. Appointment or removal or confirmation of the appointment or removal, on the recommendation of the Government Administration Council, of chairmen, vice-chairmen and chief administrative personnel of people's governments in various major administrative areas, provinces and municipalities;

C. Appointment or removal of ambassadors, ministers and plenipotentiary representatives to foreign states;

D. Appointment or removal of the Chairmen, Vice-Chairmen and Members of the People's Revolutionary Military Council; of the Commander-in-Chief, Deputy Commander-in-Chief, Chief of Staff, Deputy Chief of Staff, Director and Assistant Director of the General Political Department of the People's Liberaton Army;

E. Appointment or removal of the President and Vice-Presidents and Committee Members of the Supreme People's Court, the Procurator-General, Deputy Procurators-General and Committee Members of the People's Procurator-General's Office;

10) Preparing for and convening the All-China People's Congress.

ARTICLE 8. The Chairman of the Central People's Government shall preside over the meetings

of the Central People's Government Council and shall direct its work.

ARTICLE 9. The Vice-Chairmen and Secretary-General of the Central People's Government shall assist the Chairman in the discharge of his duties.

ARTICLE 10. Sessions of Central People's Government Council shall be convened by the Chairman once every two months. The Chairman may convene the session earlier or postpone it when conditions demand it or upon the request of more than one third of the members of the Central People's Government Council or upon the request of the Government Administration Council. More than one half of the Council Members constitute a quorum and the adoption of any resolution demands the concurrence of over one half of the Members present at the session.

ARTICLE 11. The Central People's Government Council shall have a Secretariat and may set up other subordinate working bodies when necessary.

ARTICLE 12. The Central People's Government Council shall enact its own organizational regulations.

CHAPTER III.

THE GOVERNMENT ADMINISTRATION COUNCIL

ARTICLE 13. The Government Administration Council shall consist of a Premier, a number of Vice-Premiers, a Secretary-General and a number of Council Members appointed by the Central People's Government Council.

Members of the Government Administration Council may concurrently hold posts as Chairmen of

the various Committees or Commissions or as Ministers of the various Ministries.

ARTICLE 14. The Government Administration Council shall be responsible and accountable to the Central People's Government Council. When the Central People's Government Council adjourns, the Government Administration Council shall be responsible and accountable to the Chairman of the Central People's Government.

ARTICLE 15. The Government Administration Council shall exercise the following authority on the basis and in application of the Common Program of the Chinese People's Political Consultative Conference, and of the laws and decrees of the state and of the administrative policies stipulated by the Central People's Government Council:

- 1) Issuing decisions and orders and verifying their execution;
- 2) Annulling or revising the decisions and orders of the Committees, Ministries, Commissions, Academy, Administrations, and Bank, and governments of all levels, which do not conform to the laws and decrees of the state and of the decisions and orders of the Government Administration Council;
- 3) Submitting bills to the Central People's Government Council;
- 4) Co-ordinating, unifying and directing the interrelations, the internal organisations and the general work of the Committees, Ministries, Commissions, Academy, Administrations and Bank and other subordinate bodies;

5) Directing the work of local people's governments throughout the country;

6) Appointing or removing, or confirming the appointment or removal of the chief administrative personnel of county and municipal level and above, not included in ARTICLE 7, Section 9, B.

ARTICLE 16. The Premier of the Government Administration Council shall direct the Council's affairs. The Vice-Premiers and the Secretary-General of the Government Administration Council shall assist the Premier in the discharge of his duties.

ARTICLE 17. Once a week the Government Administration Council shall hold meetings convened by the Premier. The Premier may convene the meeting earlier or postpone it when conditions demand it, or upon the request of over one third of the Council Members. Over one half of the Members of the Government Administration Council constitute a quorum, and the adoption of a resolution demands the concurrence of over one half of the Members present at the meeting.

The decisions and orders of the Government Administration Council shall come into force when signed by the Premier or signed by the Premier and counter-signed by the heads of the Committees, Ministries, Commissions, Academy, Administrations, or Bank concerned.

ARTICLE 18. The Government Administration Council shall set up Committees of Political and Legal Affairs, of Financial and Economic Affairs, of Cultural and Educational Affairs, of People's Control, and shall

set up the following Ministries, Commissions, Academy, Administrations, and Bank, which shall direct their respective departments of state administration:

Ministry of the Interior, Ministry of Foreign Affairs, Information Administration, Ministry of Public Security, Ministry of Finance, People's Bank, Ministry of Trade, Customs Administration, Ministry of Heavy Industry, Ministry of Fuel Industry, Ministry of Textile Industry, Ministry of Food Industry, Ministry of Light Industry (industries not included in the four mentioned above), Ministry of Railways, Ministry of Posts, Telegraph and Telephone, Ministry of Communications, Ministry of Agriculture, Ministry of Forestry and Land Reclamation, Ministry of Water Works, Ministry of Labour, Ministry of Cultural Affairs, Ministry of Education, Academy of Sciences, Press Administration, Publications Administration, Ministry of Public Health, Ministry of Justice, Commission of Legislative Affairs, Commission of the Nationalities Affairs, Commission of Overseas Chinese Affairs.

The Committee of Political and Legal Affairs shall direct the work of the Ministry of the Interior, the Ministry of Public Security, the Ministry of Justice, the Commission of Legislative Affairs, and the Commission of the Nationalities Affairs.

The Committee of Financial and Economical Affairs shall direct the work of the Ministries of Finance, of Trade, of Heavy Industry, of Fuel Industry, of Textile Industry, of Food Industry, of Light Industry, of Railways, of Posts, Telegraph and Telephone, of Communications, of Agriculture, of Forestry and

Land Reclamation, of Water Works, of Labour, and of the People's Bank, and of the Customs Administration.

The Committee of Cultural and Educational Affairs shall direct the work of the Ministry of Cultural Affairs, the Ministry of Education, the Ministry of Public Health, the Academy of Sciences, the Press Administration, and the Publications Administration.

In order to carry out their work, the responsible Committees may issue decisions and orders to the Ministries, the Commissions, the Academy, the Administrations and the Bank under their direction and to other subordinate bodies and may verify their execution.

The Committee of People's Supervision shall be responsible for the supervision over the execution of duties by government institutions, and public functionaries.

ARTICLE 19. The Ministries, Commissions, Academy, Administrations and the Bank may announce decisions and issue orders within their jurisdiction and may verify their execution.

ARTICLE 20. The Government Administration Council shall have a Secretariat to deal with the routine work and to take charge of the files, archives and seals of the Government Administration Council, etc.

ARTICLE 21. The organisational regulations of the Government Administration Council, the Committees, Ministries, Commissions, the Academy, the Administrations, the Bank and the Secretariat shall be enacted or ratified by the Central People's Government Council.

ARTICLE 22. The Central People's Government Council may, when necessary, decide on the increase or reduction of the number or on the merging of the Committees, Ministries, Commissions, the Academy, Administrations, the Bank and the Secretariat.

CHAPTER IV.

THE PEOPLE'S REVOLUTIONARY MILITARY COUNCIL

ARTICLE 23. The People's Liberation Army and other people's armed forces throughout the country shall come under the unified control and command of the People's Revolutionary Military Council.

ARTICLE 24. The People's Revolutionary Military Council shall have a Chairman, a number of Vice-Chairmen, and a number of Council Members.

ARTICLE 25. The organisation of the People's Revolutionary Military Council and the system of its administration and command shall be determined by the Central People's Government Council.

CHAPTER V.

THE SUPREME PEOPLE'S COURT AND THE PEOPLE'S PROCURATOR-GENERAL'S OFFICE

ARTICLE 26. The Supreme People's Court is the highest judicial body of the country, and is charged with the direction and supervision of the judicial work of all levels of judicial bodies of the country.

ARTICLE 27. The Supreme People's Court shall have a President and a number of Vice-Presidents and a number of Committee Members.

ARTICLE 28. The People's Procurator-General's Office shall have the supreme supervisory power to ensure the strict observance of the law by all government institutions and public functionaries as well as by nationals of the country.

ARTICLE 29. The People's Procurator-General's Office shall have a Procurator-General, a number of Deputy Procurators-General and a number of Committee Members.

ARTICLE 30. The organisational regulations of the Supreme People's Court and of the People's Procurator-General's Office shall be enacted by the Central People's Government Council.

CHAPTER VI.

RIGHT OF AMENDMENT AND INTERPRETATION OF THIS ORGANIC LAW

ARTICLE 31. The right of amendment of the Organic Law of the Central People's Government belongs to the Plenary Session of the Chinese People's Political Consultative Conference; while the latter is not in session, it belongs to the Central People's Government Council. The right of interpretation of this Organic Law belongs to the Central People's Government Council.

THE DECLARATION OF THE FIRST PLENARY SESSION OF THE CHINESE PEOPLE'S POLITICAL CONSULTATIVE CONFERENCE

Fellow countrymen of the whole country:

The First Plenary Session of the Chinese People's Political Consultative Conference has victoriously accomplished its task.

This conference is composed of delegates of all democratic parties and groups, and people's organisations, of the people's Liberation Army, of all regions and nationalities, of the overseas Chinese and of other patriotic and democratic elements throughout the country. It represents the will of the entire people and demonstrates their unprecedentedly great unity.

This great unity was achieved by prolonged and heroic struggle by the Chinese people and the People's Liberation Army under the leadership of the Chinese Communist Party after the defeat of Chiang Kai-shek's reactionary Kuomintang government, aided by American imperialism.

For over a century the advanced elements of the Chinese people, outstanding among them the great revolutionary Sun Yat-sen, leader of the Revolution of 1911, have led the broad masses of the people in

ceaseless and unwavering struggle to overthrow the oppression of imperialism and the Chinese reactionary government. Now their goal has been attained. While we have been holding this Conference, the Chinese people have already defeated their enemy, changed the face of China and founded the People's Republic of China. We four hundred and seventy-five million Chinese have now stood up and the future of our nation is one of unlimited brilliance.

Under the leadership of the people's leader, Chairman Mao Tse Tung, our conference has, with one will and in accordance with the principles of New Democracy, formulated and adopted the Organic Law of the Chinese People's Political Consultative Conference, the Organic Law of the Central People's Government of the People's Republic of China and the Common Program of the Chinese People's PCC. It has decided that the capital of the People's Republic of China shall be Peking and has chosen a red flag with five stars as the national flag of this republic. It has taken the "March of the Volunteers" as the present national anthem and has adopted the calendar which is used by the rest of the world. It has elected the National Committee of the Chinese People's PCC and the Central People's Government Council of the People's Republic of China. A new era has now opened in the history of China.

Fellow countrymen of the whole country:

The founding of the People's Republic of China has been proclaimed and the Chinese people have their own Central Government. This government will, in

accordance with the Common Program, exercise the people's democratic dictatorship within the boundaries of the whole of China. It will command the People's Liberation Army to wage the revolutionary war to the very end, annihilate the remnants of the enemy's troops, liberate all the territory of the country and accomplish the great task of unifying China. This government will lead the people throughout the whole country in surmounting all difficulties and in carrying out large-scale economic and cultural construction. It will sweep away the poverty and ignorance left behind by the old China, and will gradually improve the material and cultural life of the people. This government will protect the people's interests and suppress the conspiratorial activities of all counter-revolutionary elements. It will strengthen the people's army, navy and air-force, consolidate national defence, protect the integrity of territory and sovereignty of China and will oppose the aggression by any of imperialist countries. It will unite with all peace-loving and freedom-loving countries, nations and people, first of all with the Soviet Union and the New Democratic countries, and will ally itself with them to oppose the imperialist plots for provoking war and to strive for a lasting world peace.

Fellow countrymen of the whole country:

We should be still better organised. We should organize the overwhelming majority of the people of the whole of China into political, military, economic, cultural and other organisations. We should overcome the loose, disorganised state of the old China and sup-

port the People's Government and the People's Liberation Army with the great collective power of the masses of the people, in order to build up an independent, democratic, peace-loving, united, prosperous and strong new China.

Eternal glory to the people's heroes who fell in the people's war of liberation and the people's revolution!

Long live the great unity of the Chinese people!

Long live the People's Republic of China!

Long live the Central People's Government!